

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 13-71 (2) (RHK/LIB)

Plaintiff,

ORDER

v.

Thomas P. Sumner,

Defendant.

Before the Court are Defendant Sumner's Objections to the August 30, 2013 Report and Recommendation of Magistrate Judge Leo I. Brisbois. Judge Brisbois has recommended (1) the denial of the Motion to Dismiss the Indictment for Violation of his Treaty Rights; (2) the denial of Defendant's Motion seeking discovery in support of his selective prosecution claim; and (3) the denial of Defendant's Motion to suppress statements.

The Court has conducted a de novo review of the objected to portions of the Report and Recommendation; that review satisfies the undersigned that Judge Brisbois' thorough and well-reasoned decision is fully supported by the record before him and by controlling legal authority.

Accordingly and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. The Objections (Doc. No. 99) to the Report and Recommendation are

OVERRULED;

2. The Report and Recommendation (Doc. No. 94) is **ADOPTED**;
3. Defendant's Motion to Dismiss Indictment for Violation of Treaty Rights (Doc. No. 61) is **DENIED**;
4. Defendant's Motion to Dismiss Indictment for Selective Prosecution or for Additional Discovery (Doc. No. 62) is **DENIED**; and
5. Defendant's Motion to Suppress Statements, Admissions and Answers (Doc. No. 65) is **DENIED**.

Dated: October 31, 2013

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge